

The Honorable Ricardo S. Martinez

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K.
and T.D.

Plaintiff,

v.

THE CORPORATION OF THE
PRESIDENT OF THE CHURCH OF
JESUS CHRIST OF LATTER-DAY
SAINTS, a Utah corporation sole, a/k/a
"MORMON CHURCH"; LDS SOCIAL
SERVICES a/k/a LDS FAMILY SERVICES,
a Utah corporation

Defendant.

NO. 04-2338 RSM

STIPULATION AND ORDER TO
PERMIT JACK LOHOLT TO
ENTER FOR DEPOSITION

I. INTRODUCTION

A. Recitals

Whereas the Parties above-named are seeking to complete deposition discovery by February 27, 2006, they hereby represent and agree as follows:

1. Jack Loholt has been identified by the parties as a key witness in the above-captioned matter;

2. Plaintiffs in the above described action have noted the deposition of Mr. Jack Loholt for Friday, January 27, 2006;

STIP AND ORDER PERMITTING LOHOLT TO ENTER US

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04-2338 RSM
7566-025226 64244

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PROFESSIONAL CORPORATION

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3. Mr. Loholt is a citizen and resident of British Columbia, Canada;

4. The parties believe that the interest of justice will be served by Mr. Loholt's appearance at the deposition on January 27, 2006; and

5. The parties wish to avoid any scheduling difficulties with the deposition which might arise should Mr. Loholt be denied entry into the United States en route to his January 27, 2006 deposition which is scheduled to take place in Seattle,

NOW, THEREFORE, the parties hereby stipulate as follows:

II. STIPULATION OF THE PARTIES

1. Mr. Loholt shall, subject to Order of this court, be deposed in the United States of America, State of Washington, at the place and time designated on the attached Notice of Deposition; and

2. They (the parties) jointly request that the court enter the subjoined Order authorizing and directing (a) that Mr. Loholt be allowed entry into the United States no earlier than January 25, 2006 and (b) that Mr. Loholt return to Canada and depart from the United States no later than 6:00 pm on January 28, 2006.

III. ORDER

The Court, having considered the above mutual Recitals and Stipulation of the parties, and deeming itself fully advised of the premises, hereby

ORDERS, ADJUDGES, AND DECREES as follows:

1. Mr. Jack Loholt, a witness in the above captioned case, is hereby authorized to enter the United States no earlier than Wednesday, January 25, 2006 for the express purpose of appearing at the deposition scheduled for January 27, 2006;

STIP AND ORDER PERMITTING LOHOLT TO ENTER US
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2. Mr. LoHolt shall present himself to officials at the Aldergrove Port of Entry into the United States;

3. Mr. Loholt is authorized to meet with his attorney prior to the deposition.

4. Upon completion of his deposition, Mr. Loholt shall return to Canada and shall depart the United States no later than 6:00 pm on Saturday, January 28, 2006.

5. The United States Department of Homeland Security and the United States Border Patrol and any other U.S. government agencies or personnel are directed to and shall admit Mr. LoHolt into the United States at such time as he presents himself at the Aldergrove Port of Entry.

DATED THIS _____ day of January, 2006.

The Honorable Ricardo Martinez, Judge

Prepared and presented by:

STAFFORD FREY COOPER

By: /s/ Marcus B. Nash via ECF
Thomas D. Frey, WSBA #1908
Marcus B. Nash, WSBA #14471
Attorneys for Defendants COP and LDS Family Services

STIP AND ORDER PERMITTING LOHOLT TO ENTER US
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1 Agreed, approved as to form and substance, and stipulated:

2 GORDON THOMAS HONEYWELL MALANCA & PETERSON

3
4 By: /s/ Michael Pfau via ECF
Michael Pfau, WSBA #24649

5
6 LAW OFFICES OF TIM KOSNOFF

7
8 By: /s/ Timothy Kosnoff via ECF
Timothy Kosnoff, WSBA #16586

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STIP AND ORDER PERMITTING LOHOLT TO ENTER US
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Certificate of Service

I certify that on the date noted below that I electronically filed this document entitled STIP AND ORDER PERMITTING LOHOLT TO ENTER US with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

Timothy D. Kosnoff
Law Offices of Timothy D. Kosnoff
600 University Street, Suite 2100
Seattle, WA 98101
Fax: (425) 837-9692

Michael T. Pfau
Gordon Thomas Honeywell Malanca Peterson & Daheim, LLP
600 University Street, Suite 2100
Seattle, WA 98101-4185
Fax: (206) 676-7575

And I certify that I have caused to be served in the manner noted below a copy of the above-listed document on the following non-CM/ECF participants:

☐ Via Facsimile
☐ Via First Class Mail
☐ Via Messenger

DATED this 20th day of January, 2006, at Seattle, Washington.

/s/ Marcus B. Nash via ECF
Marcus B. Nash, WSBA #14471

STIP AND ORDER PERMITTING LOHOLT TO ENTER US
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THE HONORABLE RICARDO MARTINEZ

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STAFFORD FREY COOPER

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WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KENNETH FLEMING, JOHN DOE, R.K., and
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Plaintiffs,

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THE CORPORATION OF THE PRESIDENT
OF THE CHURCH OF JESUS CHRIST OF
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sole, a/d/a "MORMON CHURCH"; LDS
SOCIAL SERVICES a/d/a LDA FAMILY
SERVICES, a Utah corporation,

Defendants.

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NOTICE OF VIDEOTAPED DEPOSITION

TO: ALL PARTIES AND ITS/THEIR ATTORNEYS OF RECORD

The videotaped deposition upon oral examination of the following person will be taken on behalf of Plaintiffs before a videographer, court reporter and notary public at the date, time, and location listed below:

WITNESS: Jack Loholt

DATE AND TIME: January 27, 2006
9:00 a.m.

NOTICE OF DEPOSITION - 1 of 2
(C04-2338 RSM)
[156805 v02.doc]

DOCKETED

1/27 By mdj
dep.


LAW OFFICES
GORDON, THOMAS, HONEYWELL, MALANCA,
PETERSON & DAHEIM LLP
ONE UNION SQUARE
600 UNIVERSITY, SUITE 2100
SEATTLE, WASHINGTON 98101-4185
(206) 676-7500 - FACSIMILE (206) 676-7575

1
2 LOCATION: Gordon, Thomas, Honeywell, Malanca,
3 Peterson & Daheim
4 600 University, Suite 2100
5 Seattle, WA 98101

6 A stenographic record of the deposition shall be made simultaneously at the expense
7 of the noting party. This oral examination will be subject to continuance or adjournment from
8 time to time or place to place until completed.

9 DATED this 5 day of January, 2006.

10 GORDON, THOMAS, HONEYWELL,
11 MALANCA, PETERSON & DAHEIM LLP

12 By: 
13 Michael T. Pfau, WSBA No. 24649
14 mpfau@gth-law.com
15 Co-Counsel for Plaintiffs

16 LAW OFFICES OF TIMOTHY D. KOSNOFF

17 By: _____
18 Timothy D. Kosnoff, WSBA No. 16856
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20 Co-Counsel for Plaintiffs